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PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Agarwal *et al.*		
Serial No.:	09/713,601	Group No.:	1637
Filed:	11/15/00	Examiner:	Kim, Y.J.
Entitled:	**Methods and Compositions for Detecting Target Sequences**		

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 5/13/04

By: _____
Mary Ellen Waite

Sir:

I, David A. Casimir, represent that I am an attorney of record for this invention. The Assignee, Third Wave Technologies, Inc., 502 South Rosa Road, Madison, Wisconsin 53719, is the owner of one-hundred percent (100%) interest in the instant application. The assignment from the inventors was recorded in the Patent and Trademark Office at Reel 011747, Frame Number 0654.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant on any patent granted on pending second Application Numbers 09/381,212, filed on February 8, 2000, and 10/290,386, filed on November 7, 2002, of any patent granted on the second Applications. The owner hereby agrees that any patent so granted on the above-identified instant application shall be enforceable only for and during such period that it and any patent granted on the second Applications are commonly owned. This

agreement runs with any patent granted on the above-identified instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on the second Applications, as shortened by an terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 5,846,717, 6,090,543, and 6,346,314, and hereby agrees that any patent so granted on the above-identified instant application shall be enforceable only for and during such period that the legal title to said patent be the same as the legal title to the above referenced patents, this agreement to run with any patent granted on the above-identified instant application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that Patent Nos. 5,994,069, 6,090,543, 5,985,557, 6,001,567, and 5,846,717, should expire for failure to pay a maintenance fee, are held unenforceable, are found invalid by a court of competent jurisdiction, are statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, have all claims canceled by a reexamination certificate, are reissued, or are otherwise terminated prior to the expiration of their full statutory terms.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

PATENT
Attorney Docket No. **FORS-04905**
Patent Application Serial No.: **09/713,601**

The undersigned is empowered to act on behalf of the assignee.

Dated: 5/12/04

David A. Casimir
Reg. No. 42,395

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
608/218-6900